(Spl.-H.C.A.S.C.D., 78-e)

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI, GOA.
APPELLATE SIDE

DISTRICT :

MISCELLEANEOUS CIVIL APPLICATION NO. 837 OF 2004
IN
FIRST APPEAL NO. 86 OF 2000

Office Notes, Office Memoranda of Quorum, appearances,Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. A. R. S. Netravalkar, Advocate for the Applicants.

Mr. H. D. Naik, Additional Government Advocate for the Respondents.

CORAM : B. H. MARLAPALLE, J.

DATE : 4th NOVEMBER, 2004.

P.C. :

1. Heard the Learned Counsel for both the parties. This is an application for withdrawal of the deposited amount.

2. First Appeal No. 86 of 2000 came to be compromised in the Lok Adalat on 17.04.04 and the market rate fixed by the trial Court at Rs. 50 per sq.mt. was reduced to Rs. 40 per sq.mt. in the compromised statement. Hence both the claimants as well as the acquiring body are entitled for refund of the amount which was deposited by the acquiring body at the rate of Rs. 50 per sq.mt.

3. The acquiring body i.e. The Goa State Agricultural Marketing Board at Margao has submitted the statement of the total amount due to both the parties alongwith the proportionate interest accrued on the deposit. The Learned Counsel for the applicant states

that the said calculation statement by the acquiring body is correct.

4. Hence this application is allowed and the applicant claimants shall be refunded the balance of the compensatory amount by fixing the market value at Rs. 40 per sq.mt. alongwith accrued proportionate interest and the balance amount as shown in the calculation chart shall be reimbursed to the acquiring body. As far as the applicants are concerned, their individual share is as under :

(a) Applicant No. 1 - 50% and

(b) Applicants No. 2 & 3 - 25% each.

5. The application is allowed accordingly.

B. H. MARLAPALLE, J.

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